

JUDGE BAER
500 Pearl Street
Chambers 2230
New York, New York 10007
Telephone (212) 805-0184
Courtroom 23B
Courtroom Deputy
Mr. Dennis Swain
Telephone (212) 805-0088

INDIVIDUAL PRACTICES OF JUDGE HAROLD BAER, JR.

Unless otherwise ordered by Judge Baer, matters before Judge Baer shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letters. Copies of letters to chambers shall simultaneously be delivered to all counsel. Copies of correspondence between counsel shall not be sent to the court.

B. Telephone Calls. In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For matters other than docketing, scheduling or calendaring, call chambers at 212-805-0184.

C. Faxes. Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 3 pages may be faxed without prior authorization. Do not follow with hard copy. The fax number is 212-805-7901.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call Mr. Dennis Swain at 212-805-0088.

E. Requests for Adjournments or Extensions of Time. Any request for adjournment or extension of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents. If the requested adjournment or extension affects any other scheduled dates, a copy of the Pretrial Scheduling Order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. Motions

A. Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rule 37.2. For motions other than discovery motions, pre-motion conferences are not required.

B. Courtesy Copies. Courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practicable after filing.

C. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. Filing of Motion Papers. No motion papers shall be filed until the motion has been fully briefed. Each party shall file its motion papers on the date the last paper is due. The moving party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers.

E. Oral Argument on Motions. Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. In rare instances, the court will reject argument but for the most part, the court will fix a date and time when the motion will be heard and advise counsel.

3. Pretrial Procedures

A. Joint Pretrial Orders in Civil Cases. Pretrial orders are not required unless specifically directed by the court at the time the Pre-Trial Scheduling Order is prepared.

If a joint pretrial order is required, it shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such

statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.

iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.

v. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

vi. A statement by each party as to the witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition.

vii. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

viii. A list by each party of exhibits to be offered in its case in chief, with the ground for any objections.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 10 days after the filing of the final pretrial order if no trial date has been fixed:

i. In jury cases, requests to charge and proposed voir dire questions. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in WordPerfect version 5.1 or higher format;

ii. In nonjury cases, a statement of the elements of each claim or defense, together with a summary of the facts relied upon to establish each element;

iii. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

iv. In any case where such party believes it would be useful, a pretrial memorandum.

Revised 10/13/99